

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Michael V. Chobotov

Serial No.: (Not Assigned)

Filed: October 3, 2001

For: **LAYERED ENDOVASCULAR
GRAFT**

Express Mail Label No.: EL685075785US
Date Mailed: October 3, 2001

PRELIMINARY AMENDMENT

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This Preliminary Amendment accompanies a Request under 37 C.F.R.
1.53(b) to file a Continuation Application of Serial No. 09/200,317, filed November
25, 1998. Entry of the following amendment is respectfully requested.

IN THE SPECIFICATION:

Please replace the paragraph under Related Applications on page 1 lines 1-6
with the following paragraph:

--This application is a continuation of U.S. application Serial No.
09/200,317, filed November 25, 1998, which claims benefit of
priority under 35 U.S.C. §119(e) to U.S. provisional application
Serial No. 60/066,301, filed November 25, 1997. The subject
matter of U.S. application Serial No. 09/200,317 is incorporated
by reference in its entirety.--

#2
PRE AMEND
Q

Q1

IN THE CLAIMS:

Please cancel claims 2-18 without prejudice, and add new claims 19-23, as follows:

B²
19. (New) A graft for treating a length of a patient's body lumen comprising a plurality of thin wall graft members in a deployed state with at least two layers of thin wall graft member present across the length of the patient's body lumen being treated.

20. (New) The graft of claim 19 wherein the patient's body lumen comprises an artery and none of the thin wall graft members in a non-layered state are sufficient to maintain a flow of blood therethrough and prevent leakage.

21. (New) The graft of claim 19 wherein the graft comprises at least 3 thin wall graft members.

22. (New) The graft of claim 19 wherein an inner most thin wall graft member has an axial length greater than the other thin wall graft members of the graft and extends longitudinally beyond a distal end and proximal end of all other thin wall graft members.

23. (New) The graft of claim 19 wherein the thin wall graft members are configured to expand to a transverse dimension of up to about 40 mm and can be constrained to a maximum outer transverse dimension of down to about 3 mm.

REMARKS

This Preliminary Amendment is filed in connection with filing a Continuation Application of Serial No. 09/200,317, filed November 25, 1998. A check in the amount of \$370.00 for the filing fee (small entity) accompanies this Preliminary Amendment. Any fees that may be due in connection with filing this paper, if the attached check is improper, in the wrong amount, or missing, or with this application or the present application during their entire pendency, may be charged to Deposit Account No. 50-1213.


In re the application of
Michael V. Chibrikov
Preliminary Amendment

Claims 1, 19-23 are pending. Claims 2-18 have been cancelled herein without prejudice or disclaimer. The cancelled subject matter is being prosecuted in parent application Serial No. 09/200,317.

A Notice of Allowance issued in the parent of the instant continuation application (Serial No. 09/200,317) on June 25, 2001. This continuation is filed within four months of the mailing of the Notice of Allowance.

In view of the above, entry of this amendment and examination of the application are respectfully requested.

Respectfully submitted,
HELLER, EHRMAN, WHITE & McAULIFFE LLP

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**ATTACHMENT TO PRELIMINARY AMENDMENT
MARKED-UP VERSIONS OF SPECIFICATION AND CLAIMS -**

IN THE SPECIFICATION

Paragraph under Related Applications on page 1 lines 1-6 :

This application is a [continuation-in-part of] continuation of U.S. application Serial No. 09/200,317, filed November 25, 1998, which claims benefit of priority under 35 U.S.C. §119(e) to U.S. provisional application Serial No. 60/066,301, [which also] filed November 25, 1997. The subject matter of U.S. application Serial No. 09/200,317 is incorporated by reference in its entirety [herein].

IN THE CLAIMS:

New claims 19-23:

19. (New) A graft for treating a length of a patient's body lumen comprising a plurality of thin wall graft members in a deployed state with at least two layers of thin wall graft member present across the length of the patient's body lumen being treated.

20. (New) The graft of claim 19 wherein the patient's body lumen comprises an artery and none of the thin wall graft members in a non-layered state are sufficient to maintain a flow of blood therethrough and prevent leakage.

21. (New) The graft of claim 19 wherein the graft comprises at least 3 thin wall graft members.

22. (New) The graft of claim 19 wherein an inner most thin wall graft member has an axial length greater than the other thin wall graft members of the graft and extends longitudinally beyond a distal end and proximal end of all other thin wall graft members.

23. (New) The graft of claim 19 wherein the thin wall graft members are configured to expand to a transverse dimension of up to about 40 mm and can be constrained to a maximum outer transverse dimension of down to about 3 mm.